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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/553,720

10/18/2005

Jacobus Hermanus Maria Neijzen

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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BRIARCLIFF MANOR, NY 10510

EXAMINER

RAYMOND, BRITTANY L

ART UNIT

PAPER NUMBER

1795

MAIL DATE

DELIVERY MODE

04/28/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/553,720	Applicant(s) NEIJZEN ET AL.	
	Examiner BRITTANY RAYMOND	Art Unit 1795	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 3-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Medower (U.S. Patent Publication 2003/0137065).

Medower discloses a process of forming and using stampers for optical disk molding comprising: supplying a master disk, coating the disk with a film, coating the film with a photoresist layer to a thickness of between 20 and 120 nm, exposing the photoresist layer to a laser light source, developing the photoresist layer to form a patterned master stamper, rinsing the photoresist during the development step, forming a father stamper from the master stamper, forming a mother stamper from the father stamper, and making an optical storage disk using the mother stamper in an injection molding process (Paragraphs 0036-0043), as recited in claims 1 and 5-8 of the present invention. Medower also discloses that the first film can be a chrome film and the photoresist can be a positive photoresist (Paragraph 0036), as recited in claims 3 and 4 of the present invention. Although Medower does not teach a drying step after the rinsing step, as recited in claim 1 of the present invention, it would be known by one of ordinary skill in the art to dry the pattern after rinsing in order for the master stamper to work properly. Medower states that the father stamper was commonly used for creating

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the optical storage disk in prior art (Paragraph 0043), as recited in the claims of the present invention.

Medower teaches every limitation of claims 1 and 3-8 of the present invention and thus anticipates the claims.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Medower (U.S. Patent Publication 2003/0137065) in view of Hirokane (U.S. Patent 6872511).

The teachings of Medower have been discussed in paragraph 2 above.

Medower fails to disclose that the thickness of the metallic layer is larger than approximately 10 nm.

Hirokane discloses a process of forming an optical disk master comprising:
placing a metallic film on a substrate, placing a positive photoresist on the metallic film,

laser radiating the photoresist layer, and developing the photoresist layer to form an optical disk master (Example 1-1, Column 10, Line 60 – Column 11, Line 30). Hirokane states that the metallic film is 40 nm thick (Column 10, Lines 60-65), as recited in claim 2 of the present invention.

It would have been obvious to one of ordinary skill in the art, at the time of invention by applicant, to have formed the metallic film at a thickness of 20 nm, as suggested by Hirokane, in the process of Medower because Hirokane teaches that this thickness works appropriately with the thickness of photoresist used in the process in order for the master stamper to be formed properly.

Response to Arguments

5. Applicant's amendments have overcome the objections to claims 2, 3 and 5 that were presented in the last Office Action. Examiner has withdrawn the objections.

6. Applicant's arguments filed 2/11/2008 have been fully considered but they are not persuasive.

Applicant argues that the photoresist thickness of Medower is different from that of the present invention. Medower teaches that the photoresist thickness can be anywhere between 20 and 120 nm. Therefore, at least one of the possible thicknesses is less than 100 nm, as recited in the claims of the present invention. Medower also states that the thickness is typically about 85 nm, which is less than 100 nm.

Applicant also argues that Medower does not teach that the substrate has a metallic surface. Medower states that the substrate can include a surface made of chrome, which is known by one of ordinary skill in the art to be metallic. While Medower

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does state that the surface can be a saline coupling agent, it does not have to be made of this. It is just one possibility, which is similar to the argument about the thickness of the photoresist, as discussed above.

Additionally, Applicant argues that the added language of claim 1 helps to more clearly and precisely distinguish the present invention. While Medower does not state that the photolithographic process improve photoresist wall steepness, Medower does teach the same photolithographic process, photoresist thickness and substrate materials. Since Medower is performing the same process as the present invention, it would be obvious to one of ordinary skill in the art that it would have the same effect on the photoresist wall steepness.

Finally, Applicant states that since Medower does not teach a drying step after the rinsing step, this is a reason for allowability. As stated in paragraph 2 above, drying is a common step that is performed after a rinsing step in a photolithographic process. If the drying step is not performed then defects can form on the substrate during further processing.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRITTANY RAYMOND whose telephone number is (571)272-6545. The examiner can normally be reached on Monday through Friday, 8:30 a.m. - 5:00 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Huff can be reached on 571-272-1385. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Blr

**/Mark F. Huff/
Supervisory Patent Examiner, Art Unit 1795**